

REMARKS

Fifty (50) claims were originally filed in the present application, and claims 1-50 currently stand rejected under 35 U.S.C. §102. Claims 1, 4, 5, 6, 24, 27, 28, and 29 are amended herein. Reconsideration of the application in view of the foregoing amendments and the following remarks is respectfully requested.

35 U.S.C. § 102(e)

In paragraph 2 of the Office Action, the Examiner rejects claims 1-47, 49, and 50 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,167,469 to Safai et al. (hereafter Safai). The Applicants respectfully traverse these rejections.

“For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference.” *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicants submit that Safai fails to identically teach every element of the claims, and therefore, does not anticipate the present invention.

Regarding the Examiner’s rejection of independent claims 1 and 24, Applicants respond to the Examiner’s §102 rejection as if applied to amended independent claims 1 and 24. Amended independent claims 1 and 24 are now amended to recite transferring image data from an image source to an image pump “*by at least one of a wireless connection, a hard-wired connection, and a form of removable storage*” which are selected limitations from dependent claims

4, 5, 6, 27, 28, and 29 that are not taught or suggested either by Safai or by the Examiner's citations thereto.

On page 2 of the current Office Action, the Examiner states with regard to Safai that "the digital camera reads on the image source, and figs. 2, 6, and 7 teach the image pump." Applicants respectfully disagree with the Examiner's interpretation of Safai, and submit that Safai teaches that "a digital camera executes an application program that enables a user of the camera to send one or more digital images . . . from the camera . . ." (see Abstract). Applicants submit that Safai teaches that the foregoing application program is integral with the digital camera.

In contrast, in certain embodiments of the present invention, Applicants disclose and claim an image pump that is separate and discrete from the image source (see FIGS. 1-3). For example, claim 1 clearly recites "*an image source*" and also recites as a separate element "*an image pump configured to receive said image data from said image source . . .*"

In order to more clearly describe the functionality of the claimed image source and the separately claimed image pump, claims 1 and 24 have been amended to further describe that the image source may transfer captured image data to the separate image pump "*by at least one of a wireless connection, a hard-wired connection, and a form of removable storage.*"

With regard to claim 50, "means-plus-function" language is utilized to recite elements and functionality of the present invention. The Courts have frequently held that "means-plus-function" language, such as that of claim 50,

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should be construed in light of the Specification. Applicants respectfully submit that, in light of the substantial differences between the teachings of Safai and Applicants' invention as disclosed in the Specification, claim 50 is therefore not anticipated or made obvious by the teachings of Safai.

Regarding the Examiner's rejection of dependent claims 2-23 and 25-47, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants, therefore, respectfully request reconsideration and allowance of dependent claims 2-23 and 25-47 so that these claims may issue in a timely manner.

Because a rejection under 35 U.S.C. §102 requires that each claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Safai to identically teach the claimed system, method, or computer readable medium, including, but not limited to storing "*by at least one of a wireless connection, a hard-wired connection, and a form of removable storage*", Applicants respectfully request reconsideration and allowance of 1-47, 49, and 50 so that the present application may issue in a timely manner.

35 U.S.C. § 102(e)

In paragraph 3 of the Office Action, the Examiner rejects claim 48 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,222,646 to Maurinus et al. (hereafter Maurinus). The Applicants respectfully traverse this rejection.

As discussed previously, “for a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference.” *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicants submit that Maurinus fails to identically teach every element of the rejected claim 48, and therefore, does not anticipate the present invention.

For example, claim 48 recites the step of “*reviewing said image data and said customer account information for accuracy . . .*” Applicants respectfully submit that Maurinus nowhere teaches or discusses reviewing transferred image data and customer account information for accuracy, as claimed by Applicants.

Because a rejection under 35 U.S.C. §102 requires that each claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Maurinus to identically teach the claimed method, Applicants respectfully request reconsideration and allowance of claim 48 so that the present application may issue in a timely manner.

Summary

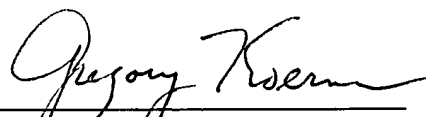
Applicants submit that the foregoing amendments and remarks overcome the Examiner's rejections under 35 U.S.C. §102(e). Because Safai, Maurinus, or the Examiner's citations thereto, do not identically teach the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicants therefore submit that the claimed invention is patentable over the cited art, and respectfully request the Examiner to allow claims 1-50 so that the present Application may issue in a timely manner.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version With Markings To Show Changes Made." If the Examiner has questions concerning this amendment, she is invited to telephone the Applicant's undersigned representative at the number given below.

Respectfully submitted,

Goldstein et al.

Date: 11/20/01

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Version With Markings To Show Changes Made

In The Claims:

1. (Once Amended) A system for transferring image data to a service provider, comprising:
 - an image source; and
 - an image pump configured to receive said image data from said image source by at least one of a wireless connection, a hard-wired connection, and a form of removable storage, and responsively provide said image data to said service provider.
4. (Once Amended) The system of claim 1, wherein said image source communicates with said image pump via [a] said wireless connection.
5. (Once Amended) The system of claim 1, wherein said image source communicates with said image pump via [a] said hard-wired connection.
6. (Once Amended) The system of claim 1, wherein said image source stores said image data on [a] said form of removable storage that may be coupled with said image pump.

24. (Once Amended) A method for transferring image data to a service provider, comprising the steps of:
- capturing said image data utilizing an image source;
 - sending said image data from said image source to an image pump by at least one of a wireless connection, a hard-wired connection, and a form of removable storage; and
 - providing said image data to said service provider by utilizing said image pump.
27. (Once Amended) The method of claim 24, wherein said image data is sent to said image pump via [a] said wireless connection.
28. (Once Amended) The method of claim 24, wherein said image data is sent to said image pump via [a] said hard-wired connection.
29. (Once Amended) The method of claim 24, wherein said image data is stored on [a] said form of removable storage that may be coupled with said image pump.